

PATENT

Docket No. 688-098

DAE  
#10/dpm  
9-3-03  
Ret re  
Aband.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)  
Serial No.  
Filed  
For

: Nichols et al.  
: 09/727,364  
: November 29, 2000  
CUTTING DEVICE

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

HON. COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

I hereby certify that the attached a copy of the Petition to Withdraw Holding of Abandonment, Two Exhibits, and Return Postcard along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner of Patents, Alexandria, VA 22313-1450.

Respectfully submitted,

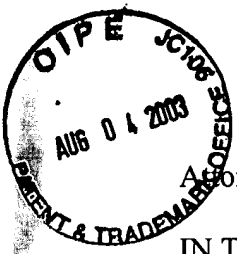
SOFER & HAROUN, L.L.P.  
By: *Ester Aronova*  
Ester Aronova

Date: 7/31/03

Mailing Address:

SOFER & HAROUN, L.L.P.  
317 Madison Avenue, Suite 910  
New York, New York 10017  
Tel:(212) 697-2800  
Fax:(212) 697-3004

RECEIVED  
AUG 11 2003  
TECHNOLOGY CENTER R3700



Attorney Docket No. 688-098

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----X

In re Application of

Examiner: Douglas D Watts

Nichols et al.

Group Art Unit: 3724

Serial No. 09/727,364

Filed: November 29, 2000

For: CUTTING DEVICE

-----X

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 CFR 1.181**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
AUG 11 2003  
TECHNOLOGY CENTER R3700

Dear Sirs:

Applicants hereby file this Petition to Withdraw Holding of Abandonment pursuant to 37 CFR 1.181.

Pursuant to 37 CFR 1.181(b), embodied herein is a concise statement of the pertinent facts and the necessary Exhibits to support this petition. It is asserted by the Applicants that no fee is due under this Petition to Withdraw Holding of Abandonment.

A Notice of Abandonment was mailed on July 21, 2003 stating that the present application went abandoned for failure to respond to the "Office letter" mailed on December 3, 2001. A copy of the Notice of Abandonment is attached hereto as Exhibit 1. However, on

January 16, 2002, Applicants filed a Response to Election Requirements in response to the Office Action dated December 3, 2001. A copy of the return postcard indicating the receipt of the documents by the patent office is attached hereto as Exhibit 2.

This Petition to Withdraw Holding of Abandonment has been prepared immediately and all reasonable steps have been taken to promptly correct the U.S. Patent Office mistake.

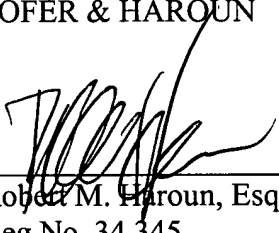
Applicants respectfully submit that the U.S. Patent Office's abandonment of this Application is in error. As such, Applicants submit this grantable Petition to Withdraw Holding of Abandonment and request that the Office of Petitions withdraw the abandonment of this Application and consider that response to the Office Action that was mailed on January 16, 2003.

Applicants authorize the U.S. Patent Office to charge any additional charges that may arise under this petition to deposit account No. 19-2825 order number 688-098.

Respectfully Submitted,

SOFER & HAROUN

By:

  
Robert M. Haroun, Esq.  
Reg No. 34,345  
317 Madison Avenue  
Suite 910  
New York, NY 10017  
(212) 697-2800

Dated:

7/31/03

# **EXHIBIT 1**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,364	11/29/2000	Travis Nichols	688-098	3368

7590

03/18/2003

Robert M. Haroun  
SOFER & HAROUN, LLP  
Suite 1921  
342 Madison Avenue  
New York, NY 10173

EXAMINER

WATTS, DOUGLAS D

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Abandonment**

Application No.

09/727,364

Examiner

Douglas D. Watts

Applicant(s)

NICHOLS ET AL.

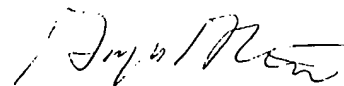
Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 03 December 2001.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:



DOUGLAS D. WATTS  
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,364	11/29/2000	Travis Nichols	688-098	3368

7590 03/18/2003  
Robert M. Haroun  
SOFER & HAROUN, LLP  
Suite 1921  
342 Madison Avenue  
New York, NY 10173

EXAMINER

WATTS, DOUGLAS D

ART UNIT PAPER-NUMBER

3724

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
APR 02 2003  
TECHNOLOGY CENTER R3700

# **EXHIBIT 2**



1-0231  
Please stamp the date of receipt and the serial number, if appropriate, hereon, and return by mailing. Thank you.  
Documents:

- 1) Response to Election Requirement
- 2) Replacement Pages
- 3) Certificate of Mailing
- 4) Return Postcard

Date Documents Mailed: January 16, 2002

For Application

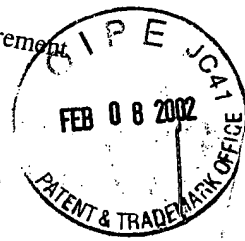
Title: CUTTING DEVICE

Serial No. 09/727,364

Applicant: Nichols et al.

Attorney: Robert M. Haroun

Filing Date: November 29, 2000



688-098